

Committee Agenda

Committee: House Agriculture and Natural Resources
Room: 464
Date: Thursday, February 4, 2010
Time: 7:45 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[HCR 1006](#) **Urging the United States Forest Service, the National Park Service, the Bureau of Land Management, and other federal agencies to actively manage mountain pine beetle infestations on lands under their control in South Dakota.**

Representatives Brunner, Bolin, Carson, Conzet, Cronin, Curd, Cutler, Deadrick, Faehn, Gosch, Hamiel, Hoffman, Hunt, Jensen, Juhnke, Kirkeby, Kopp, Krebs, Lederman, Lust, McLaughlin, Moser, Novstrup (David), Olson (Betty), Olson (Ryan), Peters, Pitts, Putnam, Rausch, Rave, Romkema, Rounds, Russell, Schlekeway, Sly, Solum, Steele, Tidemann, Turbiville, Van Gerpen, Verchio, and Wink and Senators Rhoden, Adelstein, Bartling, Bradford, Brown, Frysleie, Garnos, Gray, Hanson (Gary), Haverly, Howie, Knudson, Maher, Peterson, and Vehle

[HB 1096](#) **revise the penalty for an open burning violation in the Black Hills Forest Fire Protection District.**

Representatives Verchio, Conzet, Jensen, Kopp, Olson (Betty), Romkema, Street, Turbiville, and Van Gerpen and Senators Rhoden, Brown, Nelson, and Tieszen

[HB 1102](#) **correct an error in the boundary description of the Wall Lake State Game Bird Refuge in Hand County.**

Representatives Gibson, Burg, Engels, Fargen, Feickert, Frerichs, Hoffman, Jensen, Juhnke, Kirkeby, Kirschman, Lucas, Nygaard, Olson (Betty), Peters, Sly, Solberg, Sorenson, Street, and Vanderlinde and Senators Hansen (Tom), Abdallah, Bartling, Dempster, Frysleie, Jerstad, Maher, Miles, Nesselhuf, and Tieszen

[HB 1127](#) **authorize landowners and lessees to possess certain game animal and game bird trophies.**

Representatives Sorenson, Bolin, Brunner, Cronin, Engels, Fargen, Feickert, Frerichs, Hoffman, Hunhoff (Bernie), Jensen, Juhnke, Kirkeby, Kopp, Lange, Moser, Olson (Betty), Olson (Ryan), Rounds, Steele, Thompson, Van Gerpen, and Verchio and Senators Garnos, Ahlers, Bartling, Hanson (Gary), Heidepriem, Kloucek, Maher, Peterson, Rhoden, and Tieszen

[HB 1176](#) **authorize certain licensed hunters who are quadriplegic to hunt using a designated hunter.**

Representatives Moser, Brunner, Conzet, Curd, Feinstein, Frerichs, Hunhoff (Bernie), Lucas, Novstrup (David), Olson (Ryan), Romkema, Sly, Sorenson, and Vanderlinde and Senators Hunhoff (Jean), Abdallah, Adelstein, Ahlers, Bartling, Bradford, Brown, Dempster, Frysleie, Garnos, Gray, Hansen (Tom), Hanson (Gary), Haverly, Heidepriem, Jerstad, Kloucek, Knudson, Maher, Merchant, Miles, Nelson, Novstrup (Al), Olson (Russell), Rhoden, Tieszen, and Vehle

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

THOMAS J. BRUNNER, Chair

Committee Agenda

Committee: House Appropriations
Room: LCR1
Date: Thursday, February 4, 2010
Time: 8:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[HB 1051](#) **revise certain allocations for disabilities in the state aid for special education formula.**

The Committee on Appropriations at the request of the Bureau of Finance and Management

[HB 1050](#) **revise the per student allocation for the state aid to general education formula.**

The Committee on Appropriations at the request of the Bureau of Finance and Management

[HB 1215](#) **appropriate funds for increased wages for employees of nursing facilities and to transfer funds from the health care trust fund.**

Representatives Van Gerpen, Cutler, Gibson, Greenfield, Lederman, Vanderlinde, and Wismer and Senators Fryslie, Ahlers, Gant, Jerstad, and Miles

[HB 1122](#) **appropriate money for the Northern Crops Institute.**

Representatives Tidemann, Brunner, Burg, Carson, Cutler, Deadrick, Fargen, Feickert, Frerichs, Greenfield, Hoffman, Hunhoff (Bernie), Hunt, Juhnke, Kirschman, Kopp, Krebs, Lange, Lucas, Moser, Noem, Novstrup (David), Olson (Ryan), Pitts, Putnam, Rausch, Rounds, Schlekeway, Sorenson, Street, Thompson, Van Gerpen, Vanneman, Verchio, and Wismer and Senators Hunhoff (Jean), Ahlers, Bartling, Bradford, Brown, Fryslie, Gant, Garnos, Gillespie, Gray, Hansen (Tom), Hanson (Gary), Hundstad, Kloucek, Knudson, Maher, Merchant, Nesselhuf, Novstrup (Al), Peterson, Rhoden, and Vehle

[SB 22](#) **establish a fund for the collection of donations to the birth to three program.**

The Committee on Education at the request of the Department of Education

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

LARRY TIDEMANN, Chair

Committee Agenda

Committee: House Health and Human Services
Room: 412
Date: Thursday, February 4, 2010
Time: 7:45 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

No meeting
Thursday February 4th, 2010

CAROL A. PITTS, Chair

85th Legislative Session – 2010

Committee: House Local Government

Thursday, February 04, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Bolin
P Cronin
P Curd
P Feickert
P Frerichs
P Lederman
P Olson (Betty)
P Rausch, Vice-Chair
P Romkema
P Rounds
P Solberg
P Vanderlinde
P Kirkeby, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Mark Kirkeby, Chair.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 2, 2010

Moved by: Romkema
Second by: Rounds
Action: Prevailed by voice vote.

HB 1166: clarify the locations where the local boards of equalization may meet.

Presented by: Representative Bill Van Gerpen
Proponents: Dick Howard, SD Association of Towns & Townships

MOTION: DO PASS HB 1166

Moved by: Rausch
Second by: Rounds
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Bolin, Cronin, Curd, Feickert, Frerichs, Lederman, Olson (Betty), Rausch, Romkema, Rounds, Solberg, Vanderlinde, Kirkeby

MOTION: PLACE HB 1166 ON CONSENT CALENDAR

Moved by: Rausch
Second by: Rounds
Action: Prevailed by voice vote.

HB 1196: establish a certain distance from the municipality's corporate limits in which the municipality has planning and zoning authority.

THE CHAIR DEFERRED HB 1196 UNTIL ANOOTHER DAY

HB 1212: provide counties the authority to acquire, construct, maintain, and operate sewer utility systems.

Presented by: Representative Thomas Brunner
Proponents: Bob Wilcox, SD Association of County Commissioners
Alan Aker, Meade County Commissioner
Opponents: Yvonne Taylor, SD Municipal League

MOTION: DO PASS HB 1212

Moved by: Rounds
Second by: Lederman
Action: Failed by roll call vote. (6-6-1-0)

Voting Yes: Cronin, Curd, Frerichs, Lederman, Rounds, Kirkeby

Voting No: Bolin, Feickert, Rausch, Romkema, Solberg, Vanderlinde

Excused: Olson (Betty)

MOTION: DEFER HB 1212 TO THE 41ST LEGISLATIVE DAY

Moved by: Rausch
Second by: Romkema
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION TO TABLE HB 1212

Moved by: Lederman
Second by: Curd
Action: Failed by roll call vote. (3-9-1-0)

Voting Yes: Bolin, Curd, Lederman

Voting No: Cronin, Feickert, Frerichs, Rausch, Romkema, Rounds, Solberg, Vanderlinde, Kirkeby

Excused: Olson (Betty)

MOTION: SUBSTITUTE MOTION WITHOUT RECOMMENDATION HB 1212

Moved by: Rounds
Second by: Bolin
Action: Failed by roll call vote. (2-11-0-0)

Voting Yes: Bolin, Rounds

Voting No: Cronin, Curd, Feickert, Frerichs, Lederman, Olson (Betty), Rausch, Romkema, Solberg, Vanderlinde, Kirkeby

MOTION: SUBSTITUTE MOTION DEFER HB 1212 UNTIL THE 17TH DAY

Moved by: Rounds
Second by: Olson (Betty)
Action: Failed by roll call vote. (4-9-0-0)

Voting Yes: Cronin, Frerichs, Lederman, Rounds

Voting No: Bolin, Curd, Feickert, Olson (Betty), Rausch, Romkema, Solberg, Vanderlinde, Kirkeby

MOTION: DEFER HB 1212 TO THE 41ST LEGISLATIVE DAY

Moved by: Rausch

Second by: Romkema
Action: Prevailed by roll call vote. (8-5-0-0)

Voting Yes: Bolin, Curd, Feickert, Rausch, Romkema, Solberg, Vanderlinde, Kirkeby

Voting No: Cronin, Frerichs, Lederman, Olson (Betty), Rounds

HB 1214: allow for the acquisition of the fee ownership of highway right-of way land for certain local governments.

Presented by: Representative Dan Lederman
Proponents: Dick Howard, SD Association of Towns & Townships
Yvonne Taylor, SD Municipal League
Bob Wilcox, SD Association of County Commissioners
Alan Aker, Meade County Commissioner

MOTION: AMEND HB 1214

1214fa

On page 1, line 5, of the printed bill, after "county," insert "township".

On page 1, line 7, overstrike "municipality or county" and insert "municipal, county, or township".

On page 1, line 8, overstrike "or county" and insert ", county, or township".

Moved by: Rounds
Second by: Feickert
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1214 AS AMENDED

Moved by: Rausch
Second by: Curd
Action: Prevailed by voice vote.

MOTION: PLACE HB 1214 ON CONSENT CALENDAR

Moved by: Lederman
Second by: Curd

Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Rausch

Second by: Curd

Action: Prevailed by voice vote.

Jeanette Black
Committee Secretary

Mark Kirkeby, Chair

85th Legislative Session – 2010

Committee: House Taxation

Thursday, February 04, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Cutler
P Feickert
P Gibson
P Greenfield
P Hunhoff (Bernie)
P Juhnke
P Kirkeby
P Kirschman
P Lange
P Lederman
P Noem, Vice-Chair
P Russell
P Solum
P Thompson
P Olson (Ryan), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Ryan Olson.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 2, 2010.

Moved by: Noem
Second by: Kirkeby
Action: Prevailed by voice vote.

HB 1210: prohibit companies from charging for amounts paid in premium taxes on annuities.

*Prior testimony heard on Tuesday, February 2, 2010.

Presented by: Representative H. Paul Dennert
Proponents: Barry Zimney, Self, Rapid City
Opponents: Darla Pollman-Rogers, SD National Association of Insurance and Financial Advisors

MOTION: DEFER HB 1210 TO THE 41ST LEGISLATIVE DAY

Moved by: Noem
Second by: Solum
Action: Prevailed by roll call vote. (11-3-1-0)

Voting Yes: Cutler, Feickert, Gibson, Juhnke, Kirkeby, Kirschman, Lederman, Noem, Russell, Solum, Olson (Ryan)

Voting No: Hunhoff (Bernie), Lange, Thompson

Excused: Greenfield

HB 1211: exempt investment gains from the tax levied on premiums and consideration for annuities for section 1035 exchanges.

*Prior testimony heard on Tuesday, February 2, 2010.

Presented by: Representative H. Paul Dennert
Proponents: Barry Zimney, Self, Rapid City
Opponents: Darla Pollman-Rogers, SD National Association of Insurance and Financial Advisors
Randy Moses, Division of Insurance

MOTION: DEFER HB 1211 TO THE 41ST LEGISLATIVE DAY

Moved by: Kirkeby
Second by: Noem
Action: Prevailed by roll call vote. (11-3-1-0)

Voting Yes: Cutler, Feickert, Gibson, Juhnke, Kirkeby, Kirschman, Lederman, Noem, Russell, Solum, Olson (Ryan)

Voting No: Hunhoff (Bernie), Lange, Thompson

Excused: Greenfield

HB 1197: provide for the repeal of the railroad tax credits.

Presented by: Representative Dennis Feickert (Handouts: #1)
Proponents: Michael Kenyon, Department of Revenue and Regulation
Senator Jim Hundstad
Opponents: Tim Dougherty, BNSF Railway Company
Dean Krogman, DM&E (Handouts: #2)
Rick Vallery, SD Wheat Incorporation
Joe Kraljic, BMWED/IBT
David Owen, SD Chamber of Commerce & Industry
Mathew McCaulley, SD Corn Growers
Michael Held, SD Farm Bureau
Kathleen Zander, SD Grain and Feed Association
Pat Beaudette, NAPA Authority, Wagner Native Ethanol (Handouts: #3)

MOTION: DEFER HB 1197 TO THE 41ST LEGISLATIVE DAY

Moved by: Russell
Second by: Cutler
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1197 UNTIL SUBCOMMITTEE MEETS.

Moved by: Juhnke
Second by: Kirschman
Action: Failed by roll call vote. (5-7-3-0)

Voting Yes: Juhnke, Kirschman, Lederman, Solum, Thompson

Voting No: Cutler, Feickert, Greenfield, Kirkeby, Lange, Russell, Olson (Ryan)

Excused: Gibson, Hunhoff (Bernie), Noem

MOTION: DEFER HB 1197 TO THE 41ST LEGISLATIVE DAY

Moved by: Russell
Second by: Cutler
Action: Failed by roll call vote. (6-6-3-0)

Voting Yes: Cutler, Greenfield, Kirkeby, Russell, Solum, Olson (Ryan)

Voting No: Feickert, Juhnke, Kirschman, Lange, Lederman, Thompson

Excused: Gibson, Hunhoff (Bernie), Noem

THE CHAIR DEFERRED HB 1197 UNTIL ANOTHER DAY.

MOTION: ADJOURN

Moved by: Cutler

Second by: Juhnke

Action: Prevailed by voice vote.

Linda Daugaard
Committee Secretary

Kristi Noem, Vice-Chair

85th Legislative Session – 2010

Committee: House Transportation

Thursday, February 04, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Elliott
P Iron Cloud III
P Juhnke, Vice-Chair
E Kopp
P Lange
P McLaughlin
P Novstrup (David)
P Russell
P Schrempp
P Steele
P Street
P Verchio
P Krebs, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Krebs.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 2, 2010

Moved by: Street
Second by: Juhnke
Action: Prevailed by voice vote.

HB 1033: permit and regulate the blending of natural gasoline and ethyl alcohol and to provide for an ethanol broker license.

Presented by: David Wiest, Department of Revenue and Regulation
Proponents: Rick Sirie, Self
Harry Christianson, Ethanol Producers of SD

Opponents: Dawna Leitzke, SD Petroleum & Propane Marketers Association

MOTION: DO PASS HB 1033

Moved by: Street

Second by: Russell

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Elliott, Iron Cloud III, Juhnke, Lange, McLaughlin, Novstrup (David), Russell, Schrempp, Steele, Street, Verchio, Krebs

Excused: Kopp

HB 1125: revise certain documentation requirements related to driver licensing.

Presented by: Representative Larry Lucas

Opponents: Cindy Gerber, Department of Public Safety

MOTION: DO PASS HB 1125

Moved by: Lange

Second by: Schrempp

Action: Prevailed by roll call vote. (7-5-1-0)

Voting Yes: Elliott, Iron Cloud III, Juhnke, Lange, Russell, Schrempp, Steele

Voting No: McLaughlin, Novstrup (David), Street, Verchio, Krebs

Excused: Kopp

HB 1140: prohibit the use of certain photo radar speed detection systems and of certain photo monitoring devices to detect red light violations.

Presented by: Representative Peggy Gibson

Proponents: Lyle Wiedermann, Self, Sioux Falls

MOTION: DO PASS HB 1140

Moved by: Lange

Second by: Schrempp

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1140 TO THE 41ST LEGISLATIVE DAY

Moved by: McLaughlin

Second by: Juhnke

Action: Prevailed by roll call vote. (9-3-1-0)

Voting Yes: Elliott, Iron Cloud III, Juhnke, Lange, McLaughlin, Novstrup (David), Street, Verchio, Krebs

Voting No: Russell, Schrempp, Steele

Excused: Kopp

HB 1171: revise certain provisions regarding the fees for certain special motor vehicle license plates.

Presented by: Representative Peggy Gibson

Proponents: William Kerker, Self, Huron

Debra Hillmer, Director-Division of Motor Vehicles

MOTION: AMEND HB 1171

1171oa

On page 1, line 11, of the printed bill, delete "No fee may".

On page 1, line 11, overstrike "be charged for the special plates and for renewal".

On page 1, line 12, overstrike "stickers" and insert "In addition to the noncommercial license plate fees, an additional fee of ten dollars shall be charged for the initial issuance of the special license plates".

On page 2, after line 1, insert:

"

Section 2. That § 32-5-65 be amended to read as follows:

32-5-65. Any commercial radio station or broadcasting company that holds an unrevoked and unexpired official license issued by the federal communications commission or employees of the station or company when requested and approved by the station or the company, and who are residents of this state and have complied with all the laws of this state in regards to the registration of a motor vehicle, may apply for a set of special plates bearing an inscription thereon of the call

letters authorized for the station or company radio license by making application therefor as provided in § 32-5-66. The special plates are in lieu of the regular number plates issued for the motor vehicle. The special plates shall be displayed as set forth in § 32-5-98. ~~A~~ In addition to the noncommercial license plate fees, an additional fee of ten dollar fee dollars shall be charged for the initial issuance of the special plates ~~and for the renewal stickers~~. If the federal communication commission's license is revoked, the owner shall surrender the special license plates to the department. If the employee is no longer employed by the station or the broadcasting company, the employee shall surrender the special license plates to the department. The secretary shall make the necessary changes in the registration file. The owner shall obtain regular number plates. Failure to surrender the special license plates as required by this section is a Class 2 misdemeanor.

Section 3. That § 32-5-114 be amended to read as follows:

~~32-5-114. Each person receiving firefighter special number plates shall pay a ten dollar fee which shall reimburse the State of South Dakota for the cost of producing such special number plates and decals. All fees~~ In addition to the noncommercial license plates fees, a firefighter receiving the special license plates shall pay an additional fee of ten dollars for the initial issuance of the special license plates. The special license plate fee collected under this section shall be placed in the license plate special revenue fund, as provided under § 32-5-67."

Moved by: Juhnke
Second by: McLaughlin
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1171 AS AMENDED

Moved by: Street
Second by: Schrempp
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Elliott, Iron Cloud III, Juhnke, Lange, McLaughlin, Novstrup (David), Russell, Schrempp, Steele, Street, Verchio, Krebs

Excused: Kopp

MOTION: AMEND TITLE OF HB 1171

1171ota

On page 1, line 1, of the printed bill, delete "repeal the fee" and insert "revise certain provisions regarding the fees".

On page 1, line 2, delete "for amateur radio licensees".

Moved by: Juhnke
Second by: Verchio
Action: Prevailed by voice vote.

MOTION: PLACE HB 1171 ON CONSENT CALENDAR

Moved by: Elliott
Second by: Verchio
Action: Failed by voice vote.

MOTION: ADJOURN

Moved by: Steele
Second by: Juhnke
Action: Prevailed by voice vote.

Diane Mellan
Committee Secretary

Shantel Krebs, Chair